

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JOSE MARIA DeCASTRO,  
a/k/a CHILLE DeCASTRO,  
a/k/a DELETE LAWZ,

*Plaintiff and Defendant-in-  
Counterclaim*

v.

JOSHUA ABRAMS a/k/a  
ACCOUNTABILITY FOR ALL and  
KATE PETER a/k/a  
MASSHOLE TROLL MAFIA,

*Defendants and Plaintiffs-in-  
Counterclaim, and*

GOOGLE LLC,

*Defendant.*

Case No. 1:22-cv-11421-ADB

**DEFENDANT GOOGLE LLC’S MOTION FOR LEAVE TO FILE A REPLY  
IN SUPPORT OF ITS MOTION TO TRANSFER OR DISMISS**

Defendant Google LLC (“Google”) respectfully moves this Court, pursuant to D. Mass. Local Rule 7.1(b)(3), for leave to file a reply in further support of its motion to transfer or dismiss. *See* Mot. (ECF No. 121). If allowed, the reply would be no more than 5 pages, and would be submitted on June 13, 2023 or within ten days of the Court’s order, whichever is later.

Most of the arguments in Plaintiff’s opposition brief require little response, as their defects are readily apparent. *See* Opp. (ECF No. 123). But at least two of Plaintiff’s arguments are worth addressing in a short reply. First, Plaintiff tries to remedy his failure to allege copyright registration before filing suit as required by 17 U.S.C. § 411(a) by introducing the unpled allegation that he “registered at least one key video in [his] complaint.” Opp. at 4. If allowed,

Google will explain on reply that even if Plaintiff could amend his First Amended Complaint (“FAC”) to allege that one of his hundreds of supposedly infringed works is registered, this could not satisfy the pre-registration requirement. Google would provide a short declaration to the effect that Plaintiff is evidently referring to “My Wrongful Arrest” (Reg. No. PA0002398490), a video registered *after* Plaintiff brought this action. Belated registration of one work after filing suit does not satisfy § 411(a). *See Cortés-Ramos v. Martin-Morales*, No. 16-1223 (DRD), 2020 U.S. Dist. LEXIS 152384, at \*9 (D.P.R. Aug. 21, 2020) (collecting cases).

Second, Plaintiff claims he did not license his videos to YouTube and asserts that “[t]he key video in this litigation was never published on YouTube.” Opp. at 4. If allowed, Google will demonstrate on reply that this assertion contradicts Plaintiff’s own allegations. *See* FAC (ECF No. 62) ¶¶ 4, 13-19; Supp. Compl. (ECF No. 79) ¶¶ 9-10. Further, Plaintiff trains his argument on a different license than the one relied upon by Google in its motion. *Compare* Mot. at 5 (quoting the “License to YouTube” in Ex. A at 8) *with* Opp. at 4 (quoting the “License to Other Users” in Ex. A at 9).

Google therefore requests an opportunity to address Plaintiff’s arguments.

Respectfully submitted,

GOOGLE LLC

By its attorneys,

/s/ Matthew D. Gorman

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Undersigned counsel certifies that counsel for Defendant Google LLC (“Google”) conferred with counsel for Defendants Joshua Abrams and Kate Peter via email regarding this motion on June 1, 2023. Both defendants indicated that they assent to Google filing a reply brief. Counsel for Google exchanged emails with *pro se* Plaintiff Jose DeCastro regarding the motion on June 1 and June 2, 2023. Plaintiff opposes allowing Google to file a reply brief.

Dated: June 2, 2023

Respectfully submitted,

/s/ Matthew D. Gorman

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**CERTIFICATE OF SERVICE**

Undersigned counsel certifies that this document was filed through the CM/ECF system and will be served electronically to the registered participants as identified on the Notice of Electronic Filing through the Court's transmission facilities.

Dated: June 2, 2023

Respectfully submitted,

/s/ Matthew D. Gorman

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